

DOCUMENT RESUME

03294 - [A2273402]

[Protest to Contract Award by the City of Cleveland]. B-189626.
August 12, 1977. 1 pp.

Decision re: Cuyahoga County, OH; by Milton Socolar (for Paul G. Dambling, General Counsel).

Issue Area: Federal Procurement of Goods and Services (1900).

Contact: Office of the General Counsel: Procurement Law I.

Budget Function: General Government: Other General Government
(806).

Organization Concerned: Cleveland, OH.

Authority: B-189280 (1977).

A protest was made to the award of a contract by the City of Cleveland for a feasibility study for the Downtown People Mover project which would be funded under a grant by the Department of Transportation. The award was not reviewed by GAO since it was before a court of competent jurisdiction which had not indicated interest in GAO views. (HTW)

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C. Henry #1
R.L.

DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON D. C. 20548

FILE: B-189626

DATE: August 12, 1977

MATTER OF Commissioners of Cuyahoga County, Ohio

DIGEST: GAO will not review award of contract by City of Cleveland, to be funded under grant by DOT, since matter is before court of competent jurisdiction, which has not indicated interest in GAO view.

The Commissioners of Cuyahoga County, Ohio (Commissioners), protest the award by the City of Cleveland of a contract for a feasibility study for the Downtown People Mover project in Cleveland. The contract would be funded under a grant by the U.S. Department of Transportation. The Commissioners have also filed a suit in the Court of Common Pleas of Cuyahoga County for injunctive relief in the matter.

Even assuming that the Commissioners would have standing to protest the contract award, it is the policy of our Office not to review matters where the material issues involved are before a court of competent jurisdiction unless the court expresses an interest in receiving our views, which is not the case here. Volpe Construction Co., Inc., B-189280, July 6, 1977.

Accordingly, we will take no further action on the matter.

Milton Forster
for Paul G. Dembling
General Counsel



UNITED STATES GENERAL ACCOUNTING OFFICE
WASHINGTON, D.C. 20548

IN REPLY
REFER TO:

OFFICE OF GENERAL COUNSEL

B-189626

AUG 12 1977

The Honorable Mary Rose Oaker
House of Representatives

Dear Ms. Oaker:

We refer to your letter dated July 25, 1977, concerning a bid protest filed in our Office by the Commissioners of Cuyahoga County, Ohio, against the award by the City of Cleveland of a contract for a feasibility study for the Downtown People Mover Project in Cleveland.

Enclosed is a copy of our decision of today in which we decline to consider the matter.

Sincerely yours,

MILTON SOCOLAR

Paul G. Dembling
General Counsel

Enclosure

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